

REMARKS

Claims 1-10 are currently pending with all claims currently rejected in view of Acres' patent, U.S. Patent No. 5,655,961 (the Acres '961 patent). The claims have not been amended. However, reconsideration and allowance of all claims is respectfully requested in view of the remarks below.

Drawings Objection

The drawings have been objected to under 37 C.F.R. § 1.83(a). Namely, the Examiner has regarded two claimed elements as missing from the drawings: the "storing" step in claim 1, and the "storage means" element of claim 9.

First, regarding the "storing" step in claim 1, it is well recognized that the absence of a drawing is not necessary when the step is described in such detail in the specification as to render illustration of the step by drawing unnecessary. Ex parte Boese, 95 USPQ 364 (Bd. App.) The specification gives ample support for this method step, *inter alia*, by page and line number(s) under the format "page/line numbers" as follows: 5/18-19, 11/8-12, 12/3-20, 12/30-34, 15/6-17, etc.

Turning next to the "storage means" element of claim 9, such structure is shown by the MCI 50 and accompanying comparator and timer elements in FIG. 2. Support for operation of the MCI to enact the storage means can be found in the specification at 5/18-19 (reciting to RAM), 8/11-14, and 11/8-12.

Applicants respectfully request reconsideration and removal of the objection to the drawings in view of the above remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 1-7 and 9-10 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,655,961 (Acres, et al.), owned in common with the present application.

A key feature of the invention, and in fact one that is recited in the Title of the invention, is the use of "bonus tokens" to enable bonus awards. Applicant's arguments throughout prosecution have insisted that bonus tokens are structurally and functionally different than bonus messages or signals. Responsive to evidence showing this difference, the prior Examiner in the case issued a Notice of Allowance. Applicant became aware of unsubmitted prior art and provided such to the Patent Office along with a Request for Continued Examination so that such art would be considered. A new Examiner was assigned to the case and issued the present action.

The Examiner has kindly detailed the counterargument to Applicant's assertions that bonus tokens are not signals in the sense used in the prior art to trigger machines into a bonus period. In particular, the Examiner noted in the Office Action that, "the Examiner interprets the reconfiguring the message structure to be an equivalent to the bonus token signal," referring to Acres '961 at FIG. 34 and at Col. 25, lines 10 through Col. 26, line 34 (25:10-26:34) and Col. 36, lines 36-60.

Applicant disagrees with this reading of the Acres '961 patent, which is assigned in common to the same entity as the present application. The Acres '961 patent instead teaches of a floor controller issuing instructions over a gaming network to individual gaming machines using "configuration messages." Because configuration messages are superfluous once received and acted upon, such messages would not be stored within the gaming machine over the course of the bonus but instead would be most likely operated and then overwritten. Operation of the configuration messages within the Acres '961 patent is as follows:

- If DCN of a gaming machine detects a message addressed to it [sent from the floor controller], then the DCN executes the instructions embedded within the message; [24:38-39]
- A reply is sent back to the floor controller acknowledging a valid message; [24:46-48]
- The type of message is determined [24:52] including whether the message is a configuration message; [24:60]
- A received reconfiguration message causes the DCN to overwrite its memory with the configuration data included in the configuration message; [24:66-67 ; 25:19-23 ; 26:25-30]

The Acres '961 patent is silent as to what happens to the reconfiguration message originally received. There is no disclosure within Acres '961 that the message itself is stored in memory over the course of the bonus period. Instead, some of the data incorporated within the message is written to memory and changed until the next reconfiguration message is received from the floor controller. Since the gaming machine has already been reconfigured using the data accompanying the message, the message itself is superfluous once received. As noted in Applicant's prior arguments, the message is akin to a bonus trigger flag which is received at the gaming machine and triggers a bonus period. Responsive to the trigger, the gaming machine is reconfigured to provide the bonus game and appropriate payouts. But the originally received trigger flag signal which was received is not maintained within memory over the course of the bonus period. Instead, the flag would most likely be overwritten by

other data coming into RAM since the flag itself has operated and is now superfluous to the continued operation of the machine in the bonus mode. Similarly, the reconfiguration message received under the Acres '961 patent would be superfluous and accordingly not stored over the course of the bonus period as required under the claims.

Just as the reconfiguration message of Acres '961 cannot be an equivalent to the bonus token of the present invention, so to is the reconfigured DCN memory resulting from the data within the reconfiguration message not a bonus token. Claim terms must be interpreted consistently. The steps in claim 1 require that the bonus token signal be sent to at least one gaming machine and that the bonus token itself (not only just a residual thereof) be stored at the gaming machine "over the bonus period." Claim 9 requires storage means adapted to store the bonus token signal at the gaming machine during the "entire period of operation" in the bonus operation mode. Claim 3 requires that the bonus token signal be "removed" and that the bonus period contemporaneously end. Claim 7 requires removal of the bonus token signal at one machine and receipt at another. Claim 8 requires reserving the bonus token signal until a certain trigger occurs. Each of these claims refers to a common entity: the "bonus token signal." This signal is not a message in one instance, then data, then a different message, then different data. It is a common element. The best metaphor for such a token is the game "hot potato" where the object (e.g. the bonus token) is passed from person to person and that person is it. The Acres '961 patent does not operate like hot potato, just as the configuration message which is received and then implicitly discarded cannot be the same as a bonus token.


Accordingly, because configuration messages are not equivalent to bonus tokens and because configuration messages are not stored over the bonus time period, the Acres '961 patent would not anticipate the present claims.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-10 of the application is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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